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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,224	03/01/2005	Kazuya Imamura	2005_0330A	6677
513 7590 05/30/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
BEATCH, THOMAS A				
ART UNIT		PAPER NUMBER		
3671				
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05/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,224

Applicant(s)

IMAMURA ET AL.

Examiner

THOMAS A. BEACH

Art Unit

3671

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 22, 24-28 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) 36-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 36-41 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they present species of the invention, requiring and election to be made

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 36-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 22, 24-28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-48188 in view of Halter 4,045,057. Claims 16 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-48188. JP '188 shows a vibration damping device for damping vibrations of a machine (the excavator) comprising a laminated plate (123) formed by laminating a specified number of inner

plates and an outer plate (911) that is disposed on an outside of the specified number of the inner plates (fig 7), characterized in that wherein the specified number of inner plates are tightly sealed by the outer plate and a machine that is an object of vibration damping. JP '188 does not specifically show intermittent welding consisting of welding in a plurality of locations is further performed on peripheral edges of the inner plates when the laminated plate is coupled to members of the machine; however, Halter shows a similar device for use of damping vibrations where inner layers of plates 7/8 are welded 10a/11a at their peripheries intermittently (fig 2-3) so vibration damping properties are maintained as a form of connection for inner plates. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify JP '188, as taught by Halter, to include the expected result of a known equivalent form of welding inner plates in order to maintain vibration damping properties while having a strong connection.

As concerns claim 22, the combination shows the laminated plate (123) is formed by laminating a specified number of inner plates and an outer plate which is disposed on the outside of the specified number of inner plates (JP '188, fig 7) whose peripheral edge has a shape that partially differs from those of the peripheral edges of the inner plates, the inner plates are caused to contact with members of the machine that is the object of vibration damping, and the laminated plate is coupled to the members of the machine by performing continuous welding on peripheral edges of the outer plate, a notoriously well known attachment method as demonstrated by Halter.

As concerns claims 24 and 34-35, the combination shows the member of the machine has a contact member that is capable of contacting end portions of the laminated plate the inner plate has a contact part that protrudes from a peripheral edge of the outer plate and contacts with the contact member, and continuous welding that covers the contact part of the inner plate is performed between the peripheral edge of the outer plate and the contact member (JP '188, see figures 1-13).

As concerns claim 25, the combination shows a plurality of protruding parts (JP '188, fig 7) that match a peripheral edge shape of the outer plate (JP '188, 132) are disposed on the peripheral edge of the inner plate, and the plurality of protruding parts of the inner plate are intermittently welded by performing continuous welding on the peripheral edge of the outer plate.

As concerns claims 26-27, the combination does not show a length of the contact part of the inner plate is 100 to 280 mm; however, it would have been an obvious matter of design choice to modify the combination to include the ranges of since applicant has not disclosed that these ranges solve any particular problem or purpose and it appears other similar ranges would work equally well. Furthermore, routine experimentation would lead one of ordinary skill in the art to these ranges.

Response to Arguments

4. Applicant's arguments filed 02/21/08 have been fully considered but they are not persuasive. Examiner has cited Halter as a reference having a clear teaching of the

known practice of intermittently welding inner plates to maintain vibration damping properties.

5. In response to applicant's argument that the ranges of dimension denote patentability are not persuasive since small incremental differences are both created by machining and furthermore would not change the properties of the device. Applicant's example is relative to the size in which this example is not persuasive since other numbers could be used to support the opposite conclusion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/
Primary Examiner, Art Unit 3671

June 1, 2008

THOMAS A. BEACH

Art Unit: 3671

Primary Examiner
Group 3600